

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of:

Arnoud EKKER, et al.

Serial No. 09/353,625

Group Art Unit: 3692

Confirmation No. 3873

Filed: July 15, 1999

Examiner: Nga B. Nguyen

For: A REAL-TIME CHARGE CALCULATION SYSTEM

REPLY BRIEF TO EXAMINER'S SUPPLEMENTAL ANSWER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Supplemental Answer mailed August 23, 2007, having a reply due date of October 23, 2007, Applicants hereby submit this Reply Brief.

I. STATUS OF CLAIMS (37 CFR § 41.37(c)(1)(iii))

Claims 1-34 are currently pending. Claims 1-34 stand finally rejected and are appealed.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR §41.37(c)(1)(vi))

Claims 1-20, 23-29 and 31-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,377,938 (Block), claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Block in view of U.S. Patent No. 6,058,170 (Jagadish) and claims 30 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Block.

III. ARGUMENT (37 CFR § 41.37(c)(1)(vii))

It is respectfully submitted that the remarks in the Appeal Brief filed on December 12, 2006 and the Reply Brief filed June 20, 2007 are sufficient to respond to the outstanding rejections. However, the following additional comments are submitted.

In item (10) of the Examiner's Supplemental Answer mailed August 23, 2007, the Examiner essentially repeats item (15) of the Examiner's answer mailed April 20, 2007. Specifically, the Examiner asserts that col. 7, lines 55 through col. 8, line 6, teaches "pricing system-created non-usage events and non-system-created events as they become available" and "independent of a billing process", as recited in claim 1.

Applicants respectfully disagree with the Examiner's statement. Independent claim 1, by way of example, recites "continuously running pricing" as system-created non-usage events and non-system-created events "become available to the system", which is "independent of a billing process." The portion of Block the Examiner points to relates to calculation of charges in real time *during* a call where "The Processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76." The prepaid system of Block would be inoperative if call charges were computed (priced) but not charged (billed) at the same time as the call, since the Block system would not be able to make a determination of whether the user has a sufficient balance based on the account information. As such, Block only discusses call charge pricing that is integral to billing.

In contrast to Block, the claimed invention enables calculation of charges related to events as the events become available, rather than calculating the charges only when a billing initiation event occurs (see each of the independent claims).

The Examiner also appears to imply that the Specification describes the non-usage event independent of user initiated events as recurring event discussed on page 11, lines 10-16. Applicants respectfully submit that the Specification also discusses system created events such as minimum charge summary, maximum charge summary, etc. (see, page 15, 1st full paragraph; page 18, first paragraph).

Block does not teach or suggest the claimed features as set forth in the independent claims. Accordingly, Block does not disclose every element of the Applicants' claims. Therefore, since Block does not disclose the features recited in the independent claims, as stated above, it is respectfully submitted that the independent claims patentably distinguish over, and withdrawal of the §102 rejection is earnestly and respectfully solicited.

Jagadish is limited to generating an automatic message accounting (AMA) record when a customer places calls (see, FIG. 2 and corresponding text).

Therefore, it is respectfully submitted that the claimed invention is patentably distinguishable over the cited references.

IV. CONCLUSION

For the reasons set forth above, it is submitted that the Examiner's Answer does not rebut the arguments presented in the Appeal Brief, the previously filed Reply Brief and during prosecution of the present application.


Therefore, it is respectfully submitted that the Examiner's final rejection of the claims is without support and erroneous. Accordingly, the Board of Patent Appeals and Interferences is respectfully urged to so find and to reverse the Examiner's final rejection.

If any additional fees are required in connection with the filing of this Reply Brief, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

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